

AMENDED IN ASSEMBLY MARCH 16, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1719

Introduced by Assembly Member Rodriguez
(Coauthors: Assembly Members Cooley, Mayes, O'Donnell, and
Waldron)
(Coauthor: Senator Anderson)

January 27, 2016

An act to amend Section 51202 of, and to add Section 51225.6 to, the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

AB 1719, as amended, Rodriguez. Pupil instruction: cardiopulmonary resuscitation.

Existing law authorizes a school district or school to provide a comprehensive program in first aid or cardiopulmonary resuscitation training, or both, to pupils and employees in accordance with specified guidelines. Existing law establishes a list of courses that a pupil in a school district is required to complete in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school.

This bill would require, commencing with the 2017–18 ~~academic~~ year, the governing board of a school district, and the governing body of a charter school, offering instruction to pupils in grades 9 to 12, inclusive, to provide instruction on performing cardiopulmonary resuscitation ~~and the use of an automated external defibrillator~~ as part of a ~~course required for graduation~~, *course*, as provided. *The bill would encourage those entities to provide to pupils general information on the use and importance of an automated external defibrillator. The bill would require the State Department of Education to provide guidance*

on how to implement these provisions, including, but not limited to, who may provide instruction. The bill would also make conforming changes to a related code section. By imposing additional requirements on school districts and charter schools, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 51202 of the Education Code is amended
2 to read:

3 51202. The adopted course of study shall provide instruction
4 at the appropriate elementary and secondary grade levels and
5 subject areas in personal and public safety and accident prevention,
6 including emergency first aid instruction, instruction in hemorrhage
7 control, treatment for poisoning, resuscitation techniques, and
8 cardiopulmonary resuscitation when appropriate equipment is
9 available or when instruction is required pursuant to Section
10 51225.6; fire prevention; the protection and conservation of
11 resources, including the necessity for the protection of our
12 environment; and health, including venereal disease and the effects
13 of alcohol, narcotics, drugs, and tobacco upon the human body.
14 The health instruction may include prenatal care for pregnant
15 women and violence as a public health issue.

16 SEC. 2. Section 51225.6 is added to the Education Code, to
17 read:

18 51225.6. (a) Commencing with the 2017–18 ~~academic school~~
19 year, the governing board of a school district, and the governing
20 body of a charter school, offering instruction to pupils in grades
21 9 to 12, inclusive, shall provide instruction in performing
22 cardiopulmonary resuscitation (CPR) ~~and the use of an automated~~
23 ~~external defibrillator (AED)~~ as part of a course required for

~~graduation pursuant to paragraph (1) of subdivision (a) Section 51225.3 or a course required by the local governing board of a school district for graduation pursuant to paragraph (2) of subdivision (a) Section 51225.3. *this article*.~~ This instruction shall include ~~all~~ *both* of the following:

(1) ~~An instructional program developed by the American Heart Association or the American Red Cross, or an instructional program that is nationally recognized and based on the most current based on national evidence-based emergency cardiovascular care guidelines for the performance of CPR and the use of an AED. CPR, such as those developed by the American Heart Association or the American Red Cross.~~

(2) Training for pupils relative to the psychomotor skills necessary to perform CPR. For purposes of this paragraph, “psychomotor skills” means skills that pupils are required to perform as hands-on practice to support cognitive learning.

~~(3) General information on the use and importance of an AED. The physical presence of an AED in the classroom is not required.~~

(b) ~~Except as specified in subparagraph (B) of paragraph (5), instruction required Before the commencement of the 2017–18 school year, the department shall provide guidance on how to implement this section, including, but not limited to, who may provide instruction pursuant to this section may be provided by a person who is certified in CPR and who is any of the following: section. The department may consider an individual in any of the following categories to provide instruction:~~

(1) A health care provider licensed pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code, the Osteopathic Initiative Act, as set forth in Chapter 8 (commencing with Section 3600) of Division 2 of the Business and Professions Code, or the Chiropractic Initiative Act, as set forth in Chapter 2 (commencing with Section 1000) of Division 2 of the Business and Professions Code.

(2) A person certified pursuant to the Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (Division 2.5 (commencing with Section 1797) of the Health and Safety Code).

(3) A peace officer, as defined in Section 830 of the Penal Code.

(4) A firefighter, defined as any regularly employed and paid officer, employee, or member of a fire department or fire protection

1 or firefighting agency of the State of California, a city, a county,
2 a city and county, a district, or other public or municipal
3 corporation or political subdivision of this state or member of an
4 emergency reserve unit of a volunteer fire department or fire
5 protection district.

6 (5) ~~(A)~~ A teacher.

7 ~~(B) A teacher shall not be required to be certified in CPR to~~
8 ~~facilitate, provide, or oversee instruction pursuant to this section~~
9 ~~for training that does not provide CPR certification.~~

10 (6) An instructor certified to teach CPR by the American Red
11 Cross or the American Heart Association, or an instructor certified
12 to teach an instructional program that is nationally recognized and
13 based on ~~the most current~~ national evidence-based emergency
14 cardiovascular care guidelines for the performance of ~~CPR and~~
15 ~~the use of an AED. CPR.~~

16 ~~(e) If it is in accordance with the laws, rules, or regulations~~
17 ~~governing his or her profession, a person who provides instruction~~
18 ~~pursuant to subdivision (b) may apply the hours spent performing~~
19 ~~instruction toward fulfilling professional requirements for~~
20 ~~performing community service.~~

21 (7) *Any other provider of instruction in performing CPR, as*
22 *determined by the department.*

23 (c) *The governing board of a school district or the governing*
24 *body of a charter school is encouraged to provide to pupils general*
25 *information on the use and importance of an automated external*
26 *defibrillator (AED). The physical presence of an AED in the*
27 *classroom is not required.*

28 (d) The governing board of a school district or the governing
29 body of a charter school may adopt regulations to implement this
30 section.

31 (e) (1) The governing board of a school district or the governing
32 body of a charter school providing instruction in performing CPR
33 or *information on* the use of an AED pursuant to this section is
34 encouraged to use the most cost-effective means possible to
35 implement that requirement.

36 (2) This section shall not be construed to require the governing
37 board of a school district or the governing body of a charter school
38 to make any purchases, including, but not limited to, purchasing
39 an AED.

1 (f) *An entity providing, or overseeing the provision of,*
2 *instruction in performing CPR or information on the use of an*
3 *AED pursuant to this section may be exempt from civil liability,*
4 *as applicable and except as specified, pursuant to Section 1714.2*
5 *or 1714.21 of the Civil Code, respectively.*

6 SEC. 3. If the Commission on State Mandates determines that
7 this act contains costs mandated by the state, reimbursement to
8 local agencies and school districts for those costs shall be made
9 pursuant to Part 7 (commencing with Section 17500) of Division
10 4 of Title 2 of the Government Code.